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OP-ED CONTRIBUTOR

## Founding Amateurs?

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THE American public is not pleased with Congress — one recent poll shows that less than a third of all voters are eager to support their representative in November. “I am not really happy right now with anybody,” a woman from Decatur, Ill., recently told a Washington Post reporter. As she considered the prospect of a government composed of fledgling lawmakers, she noted: “When the country was founded, those guys were all pretty new at it. How bad could it be?”

Actually, our founders were not all that new at it: the men who led the revolution against the British crown and created our political institutions were very used to governing themselves. George Washington, Thomas Jefferson, Samuel Adams and John Adams were all members of their respective Colonial legislatures several years before the Declaration of Independence. In fact, these Revolutionaries drew upon a tradition of self-government that went back a century or more. Virginians ran their county courts and elected representatives to their House of Burgesses. The people of Massachusetts gathered in town meetings and selected members of the General Court, their Colonial legislature.

Of course, women, slaves and men without property could not vote; nevertheless, by the mid-18th century roughly two out of three adult white male colonists could vote, the highest proportion of voters in the world. By contrast, only about one in six adult males in England could vote for members of Parliament.

If one wanted to explain why the French Revolution spiraled out of control into violence and dictatorship and the American Revolution did not, there is no better answer than the fact that the Americans were used to governing themselves and the French were not. In 18th-century France no one voted; their Estates-General had not even met since 1614. The American Revolution occurred when it did because the British government in the 1760s and 1770s suddenly tried to interfere with this long tradition of American self-government.

Of course, a deep distrust of political power, especially executive power, had always been a part of this tradition of self-government. Consequently, when the newly independent Americans drew up their Revolutionary state constitutions in 1776, most states generally limited the number of years their annually elected governors could successively hold office.

“A long continuance in the first executive departments of power or trust is dangerous to liberty,” declared the Maryland Constitution. “A rotation, therefore, in those departments is one of the best securities of permanent freedom.” In addition to specifying term limits for its plural executive, the radical Pennsylvania Constitution of 1776 required that after four annual terms even the assemblymen would have to give way to a new set of

legislators so they would “return to mix with the mass of the people and feel at their leisure the effects of the laws which they have made.”

At the same time, the Articles of Confederation also provided that no state delegate to the Congress could serve more than three years out of six.

In the decade after the Declaration of Independence, however, many American leaders had second thoughts about what they had done amid the popular enthusiasm of 1776. Since many of the state legislatures were turning over roughly 50 percent of their membership annually and passing a flood of ill-drafted and unjust legislation, stability and experience seemed to be what was most needed.

As a consequence, many leaders in the 1780s proposed major changes to their constitutional structures, including the abolition of term limits. In Pennsylvania, reformers eliminated rotation in office on the grounds that “the privilege of the people in elections is so far infringed as they are thereby deprived of the right of choosing those persons whom they would prefer.”

The new federal Constitution, itself a reaction to the excessive populism of 1776, also did away with any semblance of term limits, much to the chagrin of Thomas Jefferson and many others uneasy over the extraordinary power of the presidency. Jefferson thought that without rotation in office the president would always be re-elected and thus would serve for life. When he became president he stepped down after two terms and thus affirmed the precedent that Washington had established — a precedent finally made part of the Constitution by the 22nd Amendment in 1951.

Although federal term limits have been confined to the presidency, the fear of entrenched and far-removed political power, as the present anti-incumbency mood suggests, remains very much part of American popular culture. Yet precisely because we are such a rambunctious and democratic people, as the framers of 1787 appreciated, we have learned that a government made up of rotating amateurs cannot maintain the steadiness and continuity that our expansive Republic requires.

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